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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Amendment of Section 73.622)
of the Commission's Rules)
Digital Television Table of Allotments)
(Birmingham, Alabama))

RM No. _____

MM Docket No. _____

To: The Chief, Allocations Branch

SUPPLEMENT TO PENDING PETITION FOR RULEMAKING

On February 18, 1999, Alabama Educational Television Commission ("AETC"), licensee of noncommercial television station WBIQ-TV, NTSC Channel 10, Birmingham, Alabama, filed a petition for a rulemaking to modify the Commission's Digital Television Table of Allotments (the "Petition"). Specifically, AETC requested that the Commission substitute Channel 5, Birmingham, Alabama, for Channel 53, Birmingham, Alabama, as the noncommercial digital television allotment to be used by the digital television station WBIQ-DT, and to take any other steps necessary to enable WBIQ-DT to apply to construct and ultimately operate its facilities on Channel 5, as was described in an attached engineering statement (the "Proposal").

Because of a variety of computer difficulties and other pressing matters at the Commission, the Petition is still pending. However, in the

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15 months that the Petition has been pending at the Commission, changing circumstances have accentuated how urgently AETC – a noncommercial state agency intent on serving the State of Alabama with a necessarily limited budget -- requires approval of the Proposal.

Specifically, AETC has learned that, unless the Petition is approved, AETC may not be able to locate its digital antenna on any feasible tower location in the entire greater Birmingham area. Currently, AETC's analog Channel 10 antenna is located on a tower shared with the local Fox affiliate, which owns the tower. Throughout its digital television planning process, AETC had been told that this tower would be able to accommodate AETC's digital antenna as well as its analog antenna once WBIQ's digital allotment had been resolved and a permit granted. A few weeks ago, however, AETC was told that that this tower would not have sufficient space for a second AETC antenna. Accordingly, AETC would have to locate a new tower for its digital antenna, unless it was able to develop a "dual" antenna it could transmit both its analog and digital signal.

Such news is not good news for AETC, which, as a state agency, only has limited funds with which to build and maintain a digital operation. A "split" operation – where the digital transmitter site is different from the analog transmitter site – complicates the construction and ongoing operations of the Station's dual (analog and digital) operations, in that it necessarily demands the acquisition (or leasing) and maintenance of more property and more equipment -- as well as increasing day-to-day operational burdens -- than if both analog and digital signals were broadcast from the same site.

Even more important, because AETC does not want to diminish its service to Alabama, and because AETC is well aware that the Commission did not intend the transition to digital to *reduce* existing service areas, AETC is rightfully reluctant to locate its digital antenna at an inferior location. Moreover, AETC recognizes that it can only re-locate to certain sites within a few miles of its initial digital site without creating the need for additional Commission review of any proposed changes, including a likely time-consuming and resource-intensive request for a new channel allotment. These two factors, the very hilly terrain near Birmingham, and the high cost associated with re-locating to certain area towers (who demand – for a simple ten-year lease – an upfront payment of more than \$1.2 million) greatly limit the feasible options available to AETC. In fact, AETC has not been able to locate another Birmingham-area tower where it practicably could locate a second antenna that would provide substantially similar coverage as its current location.

Accordingly, AETC has explored the possibility of using a single antenna slot on its current tower for both its analog and digital operations. Such a "dual" antenna would have to be custom-designed and manufactured, but would be possible *if the NTSC and DTV channels were both VHF signals*. AETC has embarked on discussions with Dielectric ("Dielectric") and Technology for Communications International ("TCI"), each of which has concluded that it could craft such a "dual" antenna with a single feed line for a Channel 10 analog signal and a Channel 5 digital signal, but that it would not be physically possible to craft a

single antenna that could transmit a Channel 10 analog signal and a UHF digital signal simultaneously. 1/

That AETC could co-locate its analog and digital antenna at its current antenna slot if the Commission adopts the Proposal is but another powerful reason for prompt approval. First and foremost, such a "dual" antenna would make it possible for AETC to roll-out WBIQ-DT promptly; otherwise, AETC may not be able to locate a feasible antenna slot on any existing, Birmingham-area tower that can provide substantially similar coverage as WBIQ-TV's current antenna slot. Second, co-location of WBIQ's digital operations ensures a more efficient and cost-effective digital roll-out and operation, which must be key considerations in reviewing any re-allotment proposal by any public licensee like AETC. Third, such a "dual" antenna may pave the way for more efficient use of *all* antenna towers. Specifically, neither Dielectric nor TCI nor AETC knows of any "dual" antenna that has been designed for use by two VHF signals, although both technical consultants project that such an antenna is feasible. Were such an antenna developed and used, as AETC intends, other stations may consider such dual antennas as a realistic means to respond to increasing tower congestion, without necessitating the generally unpopular construction of additional towers.

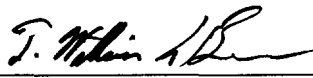
1/ In general, such a VHF-UHF dual antenna is not physically possible as a result of the very different design necessary to emit the comparatively long VHF wavelengths and the comparatively short UHF wavelengths. In contrast, as all VHF signals use frequencies within the same order of magnitude, it is possible to construct a single physical antenna that could emit two separate VHF patterns.

WBIQ-TV has long served as a mainstay to AETC's public service efforts. As AETC's primary broadcast link to the largest television market in Alabama, any unjustified delay to digital WBIQ broadcasts would rend a gaping hole in AETC's ability to serve the state. Accordingly, AETC respectfully urges that the Commission take prompt action with regard to this request as soon as possible, even if the Commission is not immediately able to act on AETC's two other petitions for rule making – in which AETC outlined the clear fiscal and technical reasons that its stations in Mt. Cheaha, Alabama (WCIQ-TV) and Dozier, Alabama (WDIQ-TV) also deserve in-core DTV allotments.

For all the foregoing reasons, and those included in the initial Petition, the Commission should adopt the Petition, approve the proposed modification in WBIQ-DT's channel allotment, and make all other changes necessary and appropriate to enable AETC to apply to construct WBIQ-DT's transmission facilities on Channel 5.

Respectfully submitted,

ALABAMA EDUCATIONAL
TELEVISION COMMISSION

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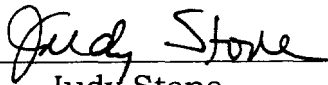
May 18, 2000

Declaration of Judy Stone

I, Judy Stone, declare as follows:

1. I am Executive Director of the Alabama Educational Television Commission ("AETC").
2. If the proposed rulemaking amending Section 73.622, Digital Television Table of Allotments, is adopted, AETC hereby confirms that it intends to apply for Commission consent to construct the digital television facilities that will operate on the channel proposed in the attached submission.
3. If awarded this construction permit, AETC hereby confirms that it intends to construct and operate such facilities pursuant to the Commission's requirements.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.



Judy Stone

May 17, 2000